

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

April 12, 2011

In the Matter of JOHNSON/McKNIGHT, Minors.

No. 299751

Wayne Circuit Court

Family Division

LC No. 07-470054

Before: DONOFRIO, P.J., and CAVANAGH and STEPHENS, JJ.

PER CURIAM.

Respondent mother appeals as of right from the trial court order terminating her parental rights to the three children under MCL 712A.19b(3)(c)(i) (conditions leading to adjudication not rectified) and (g) (failure to provide proper care or custody). Respondent has failed to preserve her challenge to the statutory grounds for termination. However, we have considered the issue and because the evidence shows that the trial court did not clearly err in terminating respondent's parental rights under §§ 19b(3)(c)(i) and (g), and because the trial court did not clearly err in finding that termination was in the children's best interests, we affirm.

Petitioner initially filed a permanent custody petition after respondent brought D. B. McKnight, her youngest child, to the hospital with unexplained head injuries, and respondent admitted that she lacked housing or an income. The petition also alleged that D. R. Johnson, Jr. had tested positive for marijuana at birth. After test results showed that D. B. McKnight had suffered no trauma or internal bleeding and that her injuries were consistent with a seizure, petitioner amended its petition to seek to place the children in the court's temporary custody. After respondent admitted to the allegations in the petition that she did not have housing or income and was suffering from depression, the court found that it had jurisdiction over the children and placed the children in its temporary custody.

Petitioner provided respondent with a parent-agency agreement that required that she complete and benefit from parenting classes, individual therapy, and substance abuse treatment; participate in a psychological evaluation and a psychiatric evaluation; obtain suitable housing and a legal source of income; maintain monthly contact with petitioner; consistently visit the children; attend all court hearings; and submit random weekly drug screens.

Petitioner filed a supplemental petition for termination of respondent's parental rights a little more than 16 months later, but, following a trial on the petition, the court concluded that termination was contrary to the children's best interests. The court dismissed the supplemental petition and ordered petitioner to resume services to respondent.

After another 16 months, petitioner filed a second supplemental petition for termination of respondent's parental rights. Evidence at the termination hearing showed that respondent had maintained monthly contact with petitioner and attended all court hearings. She had completed and benefited from parenting classes. She had participated in psychological and psychiatric evaluations, which showed that she had an IQ of 66, placing her in the extremely low level of cognitive function, but she was not depressed or in need of pharmacological assistance. She was fairly consistent with her visits with the children. These visits were appropriate, and the children very much enjoyed spending time with respondent. Respondent was permitted to have unsupervised and overnight visits with the children.

However, respondent never completed substance abuse counseling or individual therapy. While she submitted many of the requested random drug screens during the last year of the court's wardship and these screens were negative, she had one positive screen and admitted that she had used marijuana that day because she was stressed.

The biggest barriers to reunification that respondent failed to address in the nearly three years the children were in the court's custody were her lack of suitable housing and a legal source of income. At the time of the termination hearing, respondent was living with an aunt who was listed with Central Registry. Petitioner had advised respondent that the children could not be placed in a home with an individual listed on the Registry, but respondent continued to live with her aunt. Before living in the unsuitable home with her aunt, respondent had lived in a home with her mother where the court had been prepared to place the children, but respondent left that home before the children could be placed there. Respondent also failed to establish a legal source of income. She relied on family for necessities, and her only financial plan for caring for the children was to apply for disability benefits for D. R. Johnson, Jr.

The court terminated respondent's parental rights, finding that the evidence supported termination under §§ 19b(3)(c)(i) and (g) and that termination was in the children's best interests because of their need for permanency and stability. Respondent appealed as of right.

Because the question presented in her brief on appeal addresses only the children's best interests, respondent failed to preserve the issue of the statutory grounds for termination. *See VanBuren Twp v Garter Belt Inc*, 258 Mich App 594, 632; 673 NW2d 111 (2003). Furthermore, while respondent challenged termination of her parental rights under § 19b(3)(c)(i), she did not challenge termination under § 19b(3)(g). Because only a single ground needs to be established to terminate parental rights and respondent has not challenged termination under § 19b(3)(g), respondent's argument that the trial court lacked statutory grounds to terminate her parental rights must fail. *See In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991).

Notwithstanding the deficiencies in respondent's brief on appeal, consideration of the foregoing evidence shows that the trial court did not clearly err in finding termination was appropriate under §§ 19b(3)(c)(i) and (g). MCR 3.977(H)(3); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence showed that termination of respondent's parental rights was in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-

357; 612 NW2d 407 (2000). Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Pat M. Donofrio
/s/ Mark J. Cavanagh
/s/ Cynthia Diane Stephens